IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 13TH MARCH 2007 / 22ND PHALGUNA 1928

WP(C).No. 31715 of 2006(A)

PETITIONER:

JEJO M.J.,
MENACHERY HOUSE, VETTILAPPARA P.O.,
PARIYARAM VIA, THRISSUR-680 721.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS:
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, FORESTS AND WILDLIFE DEPARTMENT, THIRUVANANTHAPURAM.**

2. **THE CHIEF CONSERVATOR OF FORESTS (ADMINISTRATION), THIRUVANANTHAPURAM.**

3. **THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, P.S.C. OFFICE, PATTOM, THIRUVANANTHAPURAM.**

4. **THE DIRECTOR OF FOREST EDUCATION, NEW FOREST P.O., DEHRADUN, UTHARANJAL.**

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON 13/03/2007 DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

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WP(C).No.31715 OF 2006-A.
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Dated this the 13th day of March, 2007.

J U D G M E N T

The Kerala Public Service Commission (for short, 'the Commission' only) issued Ext.P1 notification dated 6-4-2006 inviting applications from qualified candidates for selection to undergo the Forest Rangers Course in Forestry during the year 2006-2008 in the various State Forest Service Colleges under the Directorate of Forest Education, Dehradun. The petitioner is a member of the Kerala Forest Subordinate Service. He applied for selection on the basis of Ext.P1. After undergoing the written test, the practical test and the interview conducted by the Commission, the petitioner has been included as No.14 in Ext.P2 ranked list for the Forest Rangers Course (Trainee) in the State Forest Department.

2. Rule 2 of Kerala Forest Subordinate Service

Special Rules (as amended) reads as follows:

> "25% of the total cadre strength (i.e., the sanctioned posts) of Forest Rangers shall be filled by Direct Recruits (B.Sc. Forestry - DR) who have satisfactorily completed the practical training, in the Forest Department; 25% by appointment of Forest Apprentices (F.A.) who have satisfactorily completed training in the Forest Colleges and the practical training in Forest Department; 25% by appointment of Deputy Rangers/Foresters (FTR) who have undergone Ranger's Training and 25% of promotion of Dy.Rangers/Foresters who have undergone Forester's training (FNTR)."

3. As per the Entrance and Training Rules (Revised) 2006 issued by the Government of India, the period of training in the Forest College has been fixed as 1 ½ years (18 months). Therefore, the advised candidates can be appointed as Forest Ranger only after completion of 2 ½ years training. In order to overcome the scarcity of Forest Rangers earmarked under Forest Apprentice category and avoid administrative inconvenience, the vacancies anticipated upto 12/2008 (ie. from 27-2-2006 to 31-12-2008) have been reckoned for reporting to the Commission.

4. The total cadre strength of Forest Rangers in the Department is 204 posts, which on apportionment and

earmarking among the four methods are divided as follows:-

"Direct Recruitment (DR)
(B.Sc. Forestry) - 51 Nos.
Forest Apprentice (FA) - 51 Nos.
Foresters trained as Ranger - 51 Nos.
Foresters not Trained as
Ranger (FNTR) - 51 Nos.

Total - 204 Nos."

5. The 2nd respondent reported to the Commission on 27-2-2006 25 vacancies of Forest Rangers for the Forest Ranger Training Course. Pursuant to such reporting, the Commission advised 25 candidates. Among those thus advised for the training, rank No.13 also finds a place. According to the petitioner whose rank is No.14, if correct number of vacancies are reported, he would also find a place in the list of advised candidates. For example, if two more vacancies are reported, the first vacancy will go in favour of a reserved community candidate despite his possessing a lower rank than that of the petitioner and the second one will go in favour of the petitioner.

6. It is contended that there is scope for reporting two more vacancies in addition to the 25

vacancies already reported, but respondents 1 and 2 on erroneous calculation of the vacancy position have illegally and arbitrarily omitted to report those vacancies.

7. Going by the averments made in the writ petition, the number of additional vacancies claimed by the petitioner are 18 and the reliefs prayed for by him are on the basis of such a claim. He has inter alia prayed for a writ of mandamus directing the 2nd respondent to report to the Commission 18 vacancies in the post of Forest Apprentice that would arise consequent on their promotion to the post of Assistant Conservator of Forests (ACF).

8. The 2nd respondent has filed statements so as to justify the stand taken by the Department that not more than 25 vacancies can be reported to the Commission.

9. Heard both sides and perused the materials on record. The only question for consideration is whether there is any scope for reporting two more vacancies over and above the 25 vacancies already reported to the

Commission.

10. The fact that the cadre strength of Forest Rangers is 204 and that on apportionment the strength of Forest Apprentices is 51, is an admitted fact. The break up of total sanctioned strength of Forest Apprentices is 42 + 8 + 1 that is, 42 in position, 8 under training and one existing vacancy (total 51). Out of the twenty five vacancies reported to the Commission on 27-2-2006, 24 vacancies are anticipated vacancies upto 12/2008; one alone is actual vacancy. 5 vacancies are anticipated due to the retirement of Forest Rangers under the category of Forest Apprentices and 19 vacancies are anticipated due to the promotion of Forest Rangers as Asst. Conservator of Forests from the post of Forest Apprentices category.

11. The petitioner does not admit the above statement of the 2nd respondent. He would contend that in addition to 13 Forest Rangers already promoted as Asst. Conservator of Forests, two Forest Rangers have retired from service and one person expired. The number of vacancies on the above account comes to 16

(13 + 2 + 1) and when vacancies as admitted by the 2nd respondent are also taken into account, the total will come to 17. According to him, in addition to the above 17 vacancies, 3 more vacancies would arise due to retirement of Forest Rangers during 2006-2008.

12. Besides the averments in the writ petition and those in the statement filed on behalf of the 2nd respondent on 15-12-2006, the pleadings of the parties consist of the reply-affidavit of the petitioner, the additional affidavit filed by him on 11-1-2007, the additional statement filed on behalf of the 2nd respondent on 11-1-2007, the affidavit filed by the petitioner on 18-1-2007 and the statement filed by the 2nd respondent, as directed by this court, on 12-1-2007. The sum total of the above pleadings and the counter pleadings presents a picture as shown below:

"Figures as per the Department:-

Anticipated Promotion Vacancies as on 27-2-2008	-	19
Anticipated Retirement Vacancies upto 31-12-2008	-	5
Vacancy existed as on 27-2-2006	-	1
		25

Total Vacancies reported on 27-2-2006	-	25
<u>Figures supplemented by the petitioner</u>:-		
Vacancy arose due to the death of a Ranger on 21-4-2006	-	01
Vacancy of Mr.P.B.Omanakuttan	-	01
		27

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13. In the statement filed on behalf of the 2nd respondent, as directed by this Court on 12-1-2007, the details of those five persons who have retired and are due to retire upto 31-8-2008 are shown with their serial numbers in the Statewise seniority list of Forest Rangers as on 1-1-2006 [Annexure R2(a)]. Against the 19 anticipated promotion vacancies, 12 persons have already been promoted. Vide Government order dated 28-3-2006 and the 13th person vide Government order dated 27-7-2006. The details of those 13 persons with their serial numbers also have been furnished in the statement of the 2nd respondent. Sl.No.35 in Annexure R2(a) is one Mathew K.James. He ought to have been promoted as Asst. Conservator of Forests but for his death on 19-4-2004. The

candidature of Sl.No.26 in Annexure R2(a) ie., Sri.P.B.Omanakuttan stands cleared by the D.P.C. The select list as well as the promotion order in his case is awaited. Thus we get the total figure as 15 (13 + 1 + 1)Against the balance four anticipated vacancies reported to the Commission on 27-2-2006, an equal number of feeder category members will have to be selected. The names of those persons cannot be announced, pending selection. The figures stated above would go to show that the vacancies shown by the petitioner as supplementary vacancies form part of the twenty five already reported.

14. I am convinced that the 2nd respondent has made a full disclosure of the relevant facts and figures and the facts thus furnished justify the stand taken by the Department. The resultant position is that even the number of persons already advised for training, that is, twenty five persons, is in excess of the cadre strength. Therefore, this Court will not be justified in directing the 2nd respondent to report two more vacancies to the Public Service Commission.

15. In the above view of the matter the reliefs prayed for in this writ petition are declined and the writ petition is dismissed.

K.K.DENESAN, JUDGE.

kvs/-